

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

James Thomas

Plaintiffs

v.

DOC#

Jacobs et al

Defendants

MOTION FOR
APPOINTMENT OF
COUNSEL

7:19-cv-06554-CS

1/22/20
1/22/20

Pursuant to 28 U.S.C. § 1915(e)(1) Plaintiff (or Plaintiffs) moves for an order appointing Counsel to represent him in this case. In support of this motion, Plaintiff states,

1. Plaintiff is unable to afford Counsel. He has requested leave to Proceed in forma PAUPERIS.
2. Plaintiff's imprisonment will greatly limit his ability to litigate. The issues involved in this case are complex, and will require significant research and investigation. Plaintiff has limited access to the law library and limited knowledge of the law.
3. A trial in this case will likely involve

Conflicting testimony, and Counsel would better enable Plaintiff to present evidence and cross examine witnesses.

4. Plaintiff has made repeated efforts to obtain a lawyer. Attached to this motion are letters stating they can't take my case.

WHEREFORE, Plaintiff request that the Court appoint Ganiel A. Ramson as Counsel in this Case. 277 Broadway Suite 100
212-962-0801. NEW YORK NY 10007

Jan 12, 2020

James Thomas
JAMES THOMAS

Wende Correctional Facility
PO Box 1787
Alden, NEW YORK 14004

If Mr. Ramson is willing to represent Mr. Thomas for free, that is of course fine with the Court, but the Court has no ability to appoint anyone in a civil case. As I think I explained at our 1/16/20 conference (which occurred after this letter was written), litigants in civil cases have no right to counsel; there are many more parties who would like volunteer counsel than there are lawyers who are willing to volunteer; one of the main factors I look at in deciding whether to seek volunteer counsel is whether the case is likely to have merit, *see Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986); and I cannot tell yet whether Plaintiff's case is likely to have merit. So the application is denied, without prejudice to renewal at a later stage of the case. The Clerk shall send a copy of this endorsement to Mr. Thomas.

SO ORDERED.

1/24/20

Cathy Seibel



VAHEY
GETZ LLP

144 Exchange Boulevard, Suite 400
Rochester, NY 14614 | 585.262.5130

vaheygetz.com

LAURIE A. VAHEY, ESQ., MANAGING PARTNER
WRITER'S TELEPHONE NUMBER: (585) 262-5130
FAX NUMBER: (585) 262-3474
E-mail: lvahay@vaheygetz.com

January 6, 2020

Mr. James Thomas
05A3559
Wende Correctional Facility
Wende Rd., P.O. Box 1187
Alden, New York 14004-1187

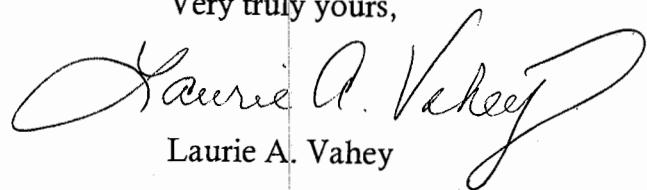
Re: Letter dated December 28, 2019

Dear Mr. Thomas:

Thank you for your letter dated December 28, 2019, received January 2, 2020.

Unfortunately, our office is unable to assist you in your matter. This does not mean you do or do not have a case. It merely means that we are unable to assist you at this time. I do wish you the best of luck in the future.

Very truly yours,



Laurie A. Vahey

LAV/sjm

W E I T Z
 &
 L U X E N B E R G
 A P R O F E S S I O N A L C O R P O R A T I O N
 • L A W O F F I C E S •
 700 BROADWAY • NEW YORK, NY 10003-9536
 TEL. 212-558-5500 • FAX 212-344-5461
 WWW. WEITZLUX.COM

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 ARTHUR M. LUXENBERG

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 BENNO ASHRAFI [‡]
 MICHAEL R. BARRY ⁻⁻
 PETER C. BEIRNE ⁺
 JAMES J. BILSBORROW
 DEVIN BOLTON ⁺
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 VENUS BURNS [‡]
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 DANNY R. KRAFT, JR
 JERRY KRISTAL ^{++\$}
 JOSH KRISTAL ^{††}
 DEBBI LANDAU

LAURA COVEY LASZEWSKI ⁻⁻
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 JASON P. WEINSTEIN
 MARK S. WEINSTEIN ^{†† Δ}
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 NEIDRA S. WILSON ^{††}
 NICHOLAS WISE ^{**}
 KONSTANTIN YELISAVETSKIY
 ALLAN ZELIKOVIC
 GLENN ZUCKERMAN

* Of Counsel
 ‡ Admitted only in CA
 §§ Admitted only in IL
 Δ Admitted only in LA
 ΔΔ Admitted only in MA
 * Admitted only in MI
 Δ Admitted only in MC
 ~~ Admitted only in PA
 ~ Admitted only in WI
 ΔΔ Also admitted in CA
 ΔΔ Also admitted in CO
 Δ Also admitted in CT
 \$ Also admitted in DC
 * Also admitted in FL
 †† Also admitted in NJ
 γ Also admitted in PA
 §§ Admitted only in CA & UT
 ΔΔ Admitted only in CA, PA & WI
 XX Admitted only in DC & MD
 ¶¶ Admitted only in NJ & PA
 * Admitted only in NJ, PA & WV
 ++ Also admitted in MD & NJ
 † Also admitted in NJ & CT
 Δ Also admitted in NJ & DC
 †† Also admitted in NJ & ME
 ΔΔ Also admitted in NJ & PA
 ** Also Admitted in NJ & WV
 Δ Also admitted in CT, FL & NJ
 ♦♦ Also admitted in CT, MA, & RI
 ** Also admitted in DC, IL, MO, NJ & PA
 ΔΔ Also admitted in DC, MD, NJ, PA & VA
 ΔΔ Also admitted in NJ & DC
 ££ Certified Atty. NJ Supreme Court

April 11, 2019

James Thomas DIN# 05A3559
 Sullivan Correctional Facility
 P.O. Box 116
 Fallsburg, NY 12733

Dear Mr. Thomas:

Thank you for your recent inquiry regarding case evaluation. Please be advised based on your submission we cannot assist you concerning this matter.

Feel free to consult with other counsel.

Very Truly Yours,

Weitz & Luxenberg, P.C.

Enclosure

220 LAKE DRIVE EAST, SUITE 210 • CHERRY HILL, NJ 08002 • TEL 856-755-1115
 1880 CENTURY PARK EAST, SUITE 700 • LOS ANGELES, CA 90067 • TEL 310-247-0921
 3011 WEST GRAND BLVD., SUITE 2150 • DETROIT, MI 48202 • TEL 313-800-4170

MARCUS J. MOLINARO
COUNTY EXECUTIVE



JAMES M. FEDORCHAK
COUNTY ATTORNEY

COUNTY OF DUTCHES
DEPARTMENT OF LAW

April 15, 2019

James Thomas, DIN #05-A-3559
Sullivan Correctional Facility
PO Box 116
Fallsburg, NY 12733

RE: Correspondence of James Thomas
Our File No. L-0099-2019

Dear Mr. Thomas:

I am responding to your letter, dated April 10, 2019, which was addressed to this office.

Unfortunately this office is not permitted to provide legal advice to individuals. We only represent Dutchess County, its departments and agencies.

However, please be advised that given the serious content of your letter, I have forwarded a copy to the New York State Attorney General's office in Albany, and, the Attorney General's Poughkeepsie Regional Office (which covers Sullivan County).

I hope this response is helpful.

Very truly yours,

A handwritten signature in black ink, appearing to read "Linda D. Fakhoury".

LINDA D. FAKHOURY
Senior Assistant County Attorney

LDF/sjm

cc: Office of the NYS Attorney General
The Capitol
Albany, NY 12224-0341 (w/encl.)

Office of the NYS Attorney General:
Poughkeepsie Regional Office
One Civic Center Plaza, STE 401
Poughkeepsie, NY 12601-3157 (w/encl.)

SUSSMAN & ASSOCIATES

- Attorneys at Law -

MICHAEL H. SUSSMAN
JONATHAN R. GOLDMAN

1 Railroad Ave. - Suite 3
P.O. Box 1005
Goshen, New York 10924

LEGAL ASSISTANT
GERI PRESCOTT

(845) 294-3991
Fax: (845) 294-1623
sussman1@frontiernet.net

May 6, 2019

Sullivan Correctional Facility
James Thomas
DIN:05A3559
PO Box 116
Fallsburg, NY 12733

RE: Intake Form Response

Dear James Thomas,

Upon review of the Intake Form you have submitted to our office, we are informing you that we are not able to represent you in the matter for which you are requesting assistance. We are not commenting on the case and this decision does not necessarily reflect the merit of your claim.

Please seek legal assistance elsewhere if you still feel you have a legal claim. You can contact your local county Bar Association for assistance in finding an attorney.

Sincerely,


Michael H. Sussman

MHS

If checked, please respond to one of our office located at:

11 Fowler St.
Port Jervis, N.Y. 12771
(845) 294-3991

159 Canal St.
Ellenville, N.Y. 12428
(845) 294-3991

42 W. Main St.
Liberty, NY 12754
(845) 294-3991

June 27, 2019

James Thomas
05-A-3559
Wende Correctional Facility
P.O. Box 1187
Alden, NY 14004-1187

Dear Mr. Thomas:

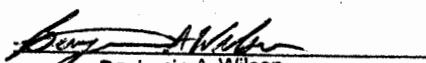
We recently received your letter seeking legal assistance. Regrettably, we have determined that we cannot provide you with the assistance you requested. If you have asked for some form materials or we believe we have form materials that may be helpful to you, we are enclosing these materials with this letter. We are also returning any papers you sent.

Sincerely yours,



James Bogin
Senior Supervising Attorney

Sworn to me this
14 day of January, 202020.



Benjamin A. Wilson
Notary Public, State of New York
Reg. No. 01W16298376
Qualified in Erie County
Commission Expires 3/10/2022



RutbergBreslow.com

Hudson Valley

3344 Route 9 North

Poughkeepsie, NY 12601

*please send all mail to the

Hudson Valley Office

tel: 845.486.0300

fax: 845.486.0270

Orange County

Middletown

tel: 845.566.4321

Catskills

Monticello

tel: 845.791.4321

Mohawk Valley

Utica

tel: 315.724.4321

Capital District

Albany

tel: 518.432.4321

Truth is Powerful

April 03, 2019

James Thomas – DIN #05A3559
Sullivan Correctional Facility
P.O. Box 116
Fallsburg, NY 12733-0116

Re: DIN #05A3559

Dear Mr. Thomas:

We received your letter of March 30, 2019.

We are sorry to learn of your difficulties but our firm is not in a position to handle your matter.

Very truly yours,

RUTBERG BRESLOW PERSONAL INJURY LAW

We Help Injured People and Their Families

Counsel: Marty Rutberg: *Partner* | Larry Breslow: *Partner*
Jennifer L. Langley | Levi Lipton | Gerald A. Vergilis: *Of Counsel*

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
COUNTY OF Erie)
ss:

I, James Thomas, being duly sworn deposes and says:

1. I am over 18 years of age and reside at the Wende Correctional Facility, located at 3040 Wende Road, P.O. Box 1187, Alden, N.Y. 14004-1187.
2. On the _____ day of _____, 20____, I placed and submitted a true and exact copy of the following documents:

Motion For Appointment of Counsel Letters From ATTORNEYS

in a properly sealed post paid wrapper, and deposited same in a official receptacle under the exclusive care and control of the United States Postal Service, within the State of New York Department of Correctional and Community Services, mailing such documents to the following parties:

Southern District of NY
500 Pearl Street
New York NY 10007

Respectfully submitted,

Pro-se,
Wende Corr. Facility

Sworn to me this
14 day of January, 2020.


Benjamin A. Wilson
Notary Public, State of New York
Reg. No. 01W16298376
Qualified in Erie County
Commission Expires 3/10/2022

WENDE CORRECTIONAL FACILITY

Wende Rd., P.O. Box 1187
Alden, New York 14004-1187

NAME: Jamesithmas DIN: 05A3359

ATC

TO: Southern District of New York
UNITED STATES COURTHOUSE
500 PEARL Street
NEW YORK, NEW YORK 10007